In the High Court of Punjab and Haryana at Chandigarh

CWP No.6544 of 2005
Date of decision: November 19, 2007

Speed Flow Continental Private Limited

---Petitioner

Vs.

Haryana Financial Corporation and others

---Respondents

Coram: **HON'BLE MR. JUSTICE M.M.KUMAR**
HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr.Arun Palli, Senior Advocate with
Mr. Jain Bhagwan, Advocate,
for the petitioner.
Mr.Puneet Gupta, Advocate,
for the respondents.

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M.M.KUMAR, J.

It is admitted position that the highest bid given by the petitioner at Rs.16 lacs on 16.7.2004 was although accepted by the Negotiations Committee but no confirmation by the respondent-corporation was made. As a result, further auction was held on 20.4.2005 in which respondent No. 4 succeeded being the highest bidder at Rs. 41.50 lacs. When the matter came up for consideration on the last date of hearing it was not clear from the pleadings as to whether respondent No. 4 has deposited the amount of Rs. 41.50 lacs in pursuance to the confirmation in his favour. Affidavit dated 10.9.2007 filed by Sh. Ashok Pahwa, Deputy general Manager (Legal), Haryana Financial Corporation states that an amount of Rs. 41.50 lacs has been deposited along with interest in the Corporation on 8.2.2006 itself although a communication in that regard was sent to respondent No. 4 on 26.4.2005(Annexure-A). Consequently,

concluded contract between the respondent-corporation and respondent No. 4 has come into being whereas there was no concluded contract between the petitioner and respondent-corporation as there was no formal letter of confirmation ever issued to the petitioner. Even otherwise, we find that the price difference between the highest bid of the petitioner at Rs. 16 lacs and that of the one given by respondent No. 4 at Rs. 41.50 lacs is quite huge which is with a gap of about six months. Therefore, we do not find any merit in the petition and the same is accordingly dismissed.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

NOVEMBER 19, 2007
paramjit